

Senate File 2109 - Reprinted

SENATE FILE 2109
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3112)

(As Amended and Passed by the Senate February 24, 2014)

A BILL FOR

1 An Act modifying the periods of time to bring civil and
2 criminal actions relating to the commission of sex offenses
3 against minors.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.8, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. Except as provided in section 614.1, subsection 9, or
4 section 614.8A, the times limited for actions in this chapter,
5 or chapter 216, 669, or 670, except those brought for penalties
6 and forfeitures, are extended in favor of minors, so that they
7 shall have one year from and after attainment of majority
8 within which to file a complaint pursuant to chapter 216, to
9 make a claim pursuant to chapter 669, or to otherwise commence
10 an action.

11 Sec. 2. Section 614.8A, Code 2014, is amended to read as
12 follows:

13 **614.8A Damages Commencement of action for minor or child**
14 **sexual abuse — time limitation.**

15 1. Notwithstanding section 614.8, subsection 2, and the
16 times limited for actions in this chapter, the time to file an
17 action relating to sexual abuse which occurred when the injured
18 person was a minor, is extended twenty-five years beyond the
19 minor's attainment of eighteen years of age.

20 2. An In addition to the extension of time provided in
21 subsection 1, an action for damages for injury suffered as
22 a result of sexual abuse which occurred when the injured
23 person was a child, but not discovered until after the injured
24 person is of the age of majority, shall be brought within four
25 twenty-five years from the time of discovery by the injured
26 party of both the injury and the causal relationship between
27 the injury and the sexual abuse.

28 Sec. 3. Section 802.2, subsection 1, Code 2014, is amended
29 to read as follows:

30 1. An information or indictment for sexual abuse in the
31 first, second, or third degree committed on or with a person
32 who is under the age of eighteen years shall be found within
33 ~~ten~~ twenty-five years after the person upon whom the offense
34 is committed attains eighteen years of age, or if the person
35 against whom the information or indictment is sought is

1 identified through the use of a DNA profile, an information or
2 indictment shall be found within three years from the date the
3 person is identified by the person's DNA profile, whichever is
4 later.

5 Sec. 4. NEW SECTION. **802.2B Other sexual offenses.**

6 1. An information or indictment for the following offenses
7 committed on or with a person who is a child or is under the
8 age of eighteen years shall be found within ten years after
9 the person upon whom the offense is committed attains eighteen
10 years of age:

11 a. Lascivious acts with a child in violation of section
12 709.8.

13 b. Assault with intent to commit sexual abuse in violation
14 of section 709.11.

15 c. Indecent contact with a child in violation of section
16 709.12.

17 d. Lascivious conduct with a minor in violation of section
18 709.14.

19 e. Sexual misconduct with a juvenile in violation of section
20 709.16, subsection 2.

21 2. If the person against whom the information or indictment
22 is sought is identified through the use of a DNA profile for an
23 offense described in subsection 1, an information or indictment
24 shall be found within ten years after its commission, or within
25 three years from the date the person is identified by the
26 person's DNA profile, whichever is later.

27 Sec. 5. Section 802.3, Code 2014, is amended to read as
28 follows:

29 **802.3 Felony — aggravated or serious misdemeanor.**

30 In all cases, except those enumerated in section 802.1,
31 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
32 for a felony or aggravated or serious misdemeanor shall be
33 found within three years after its commission.

34 Sec. 6. Section 802.10, subsection 3, Code 2014, is amended
35 to read as follows:

1 3. However, notwithstanding subsection 2, an indictment
2 or information shall be found against a person within three
3 years from the date the person is identified by the person's
4 DNA profile. If the action involves sexual abuse, or another
5 sexual offense the indictment or information shall be found
6 as provided in section 802.2 or 802.2B, if the person is
7 identified by the person's DNA profile.